

## Minutes

### Tempe Fire and Police Public Safety Personnel Retirement System Boards Joint Meeting November 2, 2017

Minutes of the Tempe Fire and Police Public Safety Personnel Retirement System (PSPRS) Boards joint meeting, held on Thursday, November 2, 2017, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

**Board Members Present:**

Steven Methvin  
Rob Ferraro  
James Foley  
Mike Scheidt

**Board Members Absent:**

Bill Goodman  
Don Jongewaard  
Alex Moreno

**City Staff Present:**

Renie Broderick, Internal Services Director  
Wendy Messina, HR Program Coordinator  
Susan Buck, Executive Assistant

**Legal Counsel Present:**

Cynthia Kelley

*Chair Steven Methvin called the meeting to order at 2:03 p.m.*

**ITEM I – Consideration of Meeting Minutes:**

Motion by James Foley to approve the September 7, 2017 Fire & Police PSPRS Boards Joint Meeting Minutes and the September 7, 2017 Joint Executive Session Minutes; second by Rob Ferraro. Motion passed on a voice vote 4-0.

**ITEM II – Public Appearances:**

There were no public appearances.

**ITEM III – Motion to Adjourn to Executive Session:**

No Executive Session was held.

**ITEM IV – PSPRS Updates:**

Local Board Secretary Renie Broderick stated that staff previously forwarded informational emails received from PSPRS to the Board and that information was also included in today's meeting packet, as follows:

- 10/12/17 Advisory Committee Meeting Notice
- 9/20/17 PSPRS 4<sup>th</sup> Quarter Newsletter
- 9/13/17 PSPRS Webinar "Duties of the Local Board & Local Board Secretary"

Ms. Broderick noted that as directed in the 9/13/17 webinar, the funding ratios for both the Tempe Fire and Tempe Police Funds are now posted on the City of Tempe website, on the individual Tempe Local Board webpages.

**ITEM V – Board Legal Counsel Memo re. Parkinson v. Guadalupe:**

Cynthia Kelley, Board Legal Counsel provided a quick overview of the memo, noting that the Parkinson case ruling states that someone can apply for an accidental disability benefit if the disability is a cause of leaving employment; it does not have to be **the only** reason for leaving employment. Boardmember Ferraro noted that Question No. 3 on Form P5-LB-A, Accidental Disability Questionnaire, may need to be revised by the State to be in conformance with that ruling. Ms. Kelley stated that the Board needs to just answer the question as it applies to the given situation before the Board.

The Board generally discussed hypothetical termination and resignation scenarios. Ms. Kelley noted the reason that the employee leaves the workplace is key to the disability determination; if someone is terminated for a disciplinary issue that is different than leaving the workplace because of a disability. Boardmember Ferraro stated that the State needs to fundamentally overhaul the disability process. Chair Methvin inquired if the Board wanted to send a letter to the State Board regarding concerns with the disability process. Boardmember Scheidt indicated that the such a letter could help raise the State Board's awareness of this issue. He further noted that the pending consolidation of some of the smaller local boards might alleviate some of the issues. The Board generally discussed Post-Traumatic Stress Disorder (PTSD) disability cases and possible disability process changes. All Board members present indicated agreement with drafting a letter to the State Board. Boardmember Ferraro volunteered to draft a letter for the Board's review at a future meeting.

**ITEM VI – Review of Independent Medical Exam (IME) Process:**

Ms. Broderick stated that as requested by the Board at the September meeting, staff is providing additional information regarding how other Local Boards handle the IME process. As previously approved by the Board, Tempe staff currently handles scheduling of the IMEs. The Board generally discussed the IME process at Tempe and other Phoenix-area Local Boards. Motion by Steven Methvin to have staff continue to compile the information for the IME and work in consultation with the elected board members in selecting the IME doctor; second by Rob Ferraro. Motion passed on a voice vote 4-0.

**ITEM VII – Review of Local Board Procedures:**

Ms. Broderick stated that the Board packet includes a "track changes" version of the Tempe Local Board Procedures as discussed at the September 7, 2017 meeting. As directed by the Board, Ms. Broderick revised Section F.4., *Mental Examinations* to indicate that Mental Examinations will require a two-step process, where applicants will first be sent for an Independent Psychological Exam (IPE) conducted by a psychologist, followed by an Independent Medical Exam (IME) conducted by a psychiatrist (medical doctor). Motion by Rob Ferraro to accept *all* revisions as noted in the Tempe Local Board Procedures; second by James Foley. Motion passed on a voice vote 4-0.

**ITEM VIII – Board Legal Services Contract:**

Ms. Broderick stated that as previously discussed with the Board, the contract for legal services has expired and is currently on a month-to-month basis pending further action. Ms. Broderick noted that the Board meeting packet contains copies of the existing contract, a survey indicating what legal firms are used by other Local Boards and a memo outlining the options for the Board. The procurement options include sending out a Request for Proposals (RFP); obtaining three quotes (since the contract spend is under \$50,000); or continue as a sole source contract. The Board generally discussed the existing contract and procurement options available to them. Chair Steven Methvin requested that staff return to the Board with a draft scope of work to request quotes from the firms currently providing legal services to other PSPRS Local Boards.

**ITEM IX – 2018 Local Board Deadline and Meeting Schedule:**

Motion by Rob Ferraro to approve the 2018 Tempe Fire & Police PSPRS Local Boards Deadline and Meeting Schedule; second by Mike Scheidt. Motion passed 4-0.

**ITEM X - Future Agenda Items**

- Board Letter to State Board Regarding Disability Application Process
- Board Legal Counsel Contract

**Adjournment**

Motion to adjourn by Rob Ferraro; second by Mike Scheidt. Motion passed on a voice vote 4-0. The joint meeting adjourned at 2:48 p.m.



Renie Broderick  
Local Board Secretary